

Amendment After Final  
Application No. 10/536,997  
Attorney Docket No. 052644

**REMARKS**

Claims 1-26 are pending in the application. Independent claims 1 and 16 have been amended. No claims have been added or cancelled. In light of the following arguments and amendments to the claims, applicants respectfully request favorable reconsideration of the application.

Applicants thankfully acknowledge that claims 15 and 26 have been allowed.

**On the Merits**

**Independent Claims 1 and 16:**

The Office Action has maintained the rejection of claims 1-3, 7, 8, 16 and 17 under 35 U.S.C. § 103(a) as being unpatentable over *Takada* (6,373,258 B2) in view of *Sotaro* et al. (JP 2001-84905).

In the Reply presented on May 15, 2006, it was pointed out that the *Sotaro* reference appeared to disclose a “contact probe,” whereas independent claims 1 and 16 each required a given gap between the probe and the target pattern.

The Office Action asserted that when *Sotaro* discloses moving the contact probe, it is also disclosing that the contact probe maintains “a given gap relative to each of said target patterns.” The Office Action states that “although *Sotaro* does not explicitly disclose actually lifting the contact probe, it would have been obvious to one of ordinary skill in the art at the time the invention was made to lift the contact probe so it does not scratch or damage the test patterns.”

Amendment After Final  
Application No. 10/536,997  
Attorney Docket No. 052644

The Office Action goes on to state that it “has strong reasons to believe that the moving means of *Sotaro* is capable of moving the probes at a gap relative to the test patterns.”

However, in the last line of the abstract, *Sotaro* discloses “by moving the contact probe 21 and the non-contact probe 22 [in] an X-direction, the whole line is measured by repeating this step.” Thus, while *Sotaro* does appear to disclose movement in the “X-direction,” *Sotaro* does not disclose, (in the abstract), any movement in another direction, such as an upwards direction; i.e. “Y-direction” or “Z-direction.”

The reference also does not appear to teach that the probes maintain a given gap as required by claim 1, although the Office Action contends this feature would have been obvious to a person having ordinary skill in the art. Applicants submit that the Office Action’s use of *Tanaka* (US Patent 5,241,276) to disclose this feature does not appear to have much merit considering *Tanaka* uses a piezoelectric effect to conduct an inspection while maintaining a gap. Maintaining a gap for piezoelectric purposes is different than doing so for capacitive coupling purposes. See Abstract.

However, in order to further expedite the prosecution of the application, applicants have included a further limitation to independent claims 1 and 16 which requires that the supply and sensor electrodes are each capable of maintaining a constant distance relative to the target patterns while inspecting said target pattern.

Amendment After Final  
Application No. 10/536,997  
Attorney Docket No. 052644

Because, *Sotaro* discloses a “contact probe,” which the Office Action states would be obvious to lift upwards (only when it is moved to the next test section), the above mentioned amendment of the electrodes being capable of maintaining a distance relative to the target pattern during the inspection thereof, addresses the Office Action’s rejections.

Support for this amendment may be found on page 4, lines 5-24 and page 9, lines 25-28. In light of the aforementioned amendments and accompanying remarks, applicants respectfully submit that independent claims 1 and 16 are presently in condition for allowance.

Dependent Claims 2-14 and 17-25:

As claims 2-14 and 17-25 ultimately dependent upon claims 1 and 16 respectively, the argument mentioned above also applies to their dependent claims. Thus applicants submit that dependent claims 2-14 and 17-25 are presently in condition for allowance in light of the above mentioned remarks and amendments.

In view of the aforementioned amendments and accompanying remarks, applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact applicants’ undersigned agent to arrange for an interview to expedite the disposition of this case.

Amendment After Final  
Application No. 10/536,997  
Attorney Docket No. 052644

If this paper is not timely filed, applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



Dennis M. Hubbs

Agent for Applicants

Registration No. 59,145

Telephone: (202) 822-1100

Facsimile: (202) 822-1111

SGA/DMH/tw